



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 3, 2015

Mr. Jeffrey L. Moore
Counsel for the City of The Colony
Brown & Hofmeister, L.L.P.
740 East Campbell Road, Suite 800
Richardson, Texas 75081

OR2015-12968

Dear Mr. Moore:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 569049.

The City of The Colony (the "city"), which you represent, received a request for the probable cause affidavit in a specified case. You claim that the submitted information is excepted from disclosure under section 552.108(a)(1) of the Government Code. We have considered the exception you claim and reviewed the submitted information.

We begin with the requestor's claim to the requested information under article 15.26 of the Code of Criminal Procedure. Article 15.26 provides in relevant part:

The arrest warrant, and any affidavit presented to the magistrate in support of the issuance of the warrant, is public information, and beginning immediately when the warrant is executed the magistrate's clerk shall make a copy of the warrant and the affidavit available for public inspection in the clerk's office during normal business hours.

Crim. Proc. Code art. 15.26. We interpret article 15.26 to apply only to court clerks. Thus, article 15.26 does not grant the requestor a special right to the affidavit in the city's possession.

You state the requested information was the subject of Open Records Letter No. 2015-06136 (2015), a previous open records ruling to the city in which this office determined the city may withhold the information from the requestor based on section 552.108(a)(1) of the Government Code. We have no information to allow us to conclude the law, facts, or circumstances on which the previous ruling was based have changed. Accordingly, we conclude the city may rely on Open Records Letter No. 2015-06136 to withhold the information at issue in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Kay Hastings
Assistant Attorney General
Open Records Division

KH/sdk

Ref: ID# 569049

Enc. Submitted documents

c: Requestor
(w/o enclosures)